



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: September 4, 2012

| Table A. Summary | | | |
|---------------------------------------|--|----------------|------------------------|
| Application Summary | | | |
| Case Number | Z1100022 | Jurisdiction | City |
| Applicant | Coulter Jewell Thames, PA | Submittal Date | September 12, 2011 |
| Reference Name | Alexander Park Development | Site Acreage | 50.29 |
| Location | 105 Smallwood Drive, south of T.W. Alexander Drive and west of Page Road | | |
| PIN(s) | 0758-01-27-3876 | | |
| Request | | | |
| Proposed Zoning | Planned Development Residential 6.640 (PDR 6.640) | Proposal | 285 multi-family units |
| Site Characteristics | | | |
| Development Tier | Suburban Tier | | |
| Land Use Designation | Industrial | | |
| Existing Zoning | Industrial Light (IL) | | |
| Existing Use | Vacant | | |
| Overlay | n/a | Drainage Basin | Falls Lake |
| River Basin | Neuse | Stream Basin | Stirrup Iron Creek |
| Determination/Recommendation/Comments | | | |
| Staff | Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances. | | |
| Planning Commission | Approval, 13 – 0 on July 10, 2012. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report. | | |
| DOST | No comments | | |
| BPAC | No comments | | |

A. Summary

This is a request to change the zoning designation of a 50.29 acre parcel from IL to PDR 6.640 for a residential townhouse development of 285 units. The site is located at 105 Smallwood Drive, south of T.W. Alexander Drive and west of Page Road (see Appendix A, Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Industrial. A plan amendment, case A1100008 has been requested to change the land use designation to Low-Medium Density Residential (4 – 8 DU/Ac.). Staff is recommending approval of the plan amendment which also includes property outside the boundaries of this zoning map change request.

Appendix A provides supporting information.

B. Site History

This site was part of a larger site that was annexed into the City, effective June 30, 2000. The initial zoning of Industrial Park (IP) was approved on August 7, 2000 through case P00-30. The northern portion of this site was more recently zoned IL, from IP, by City Council on September 8, 2009 (case Z0900008).

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5, Summary of Development Plan) include: housing type as townhouse, construction of Roche Drive and Smallwood Drive extensions, and northbound turn lane on Page Road at Smallwood Drive.

Graphic Commitments. A graphic commitment has been proffered which identifies the location of a proposed greenway.

Determination. The requested PDR 6.640 zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development plan is not consistent with the Future Land Use Map of the *Comprehensive Plan*. Staff is recommending approval of the companion plan amendment request (case A1100008) to designate the subject parcel as Low-Medium Density Residential (4 – 8 DU/Ac.).

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.8 and Durham Trails and Greenways Master Plan. A greenway is proposed along Stirrup Iron Creek. The applicant has coordinated the location of the proposed greenway (see Attachment 4, Development Plan Reduction, sheet CP-2) with Durham Parks and Recreation and this zoning map change request proposes to dedicate property for this purpose prior to the first Certificate of Occupancy. However, there is no commitment to construct the trail.

Proposed Wake-Durham Comprehensive Street System Plan Version 10/24/00. The Street System Plan (see Attachment 8) shows the extension of Roche Drive and Smallwood Drive as collector streets. The development plan (see Attachment 4, Development Plan Reduction, cover and sheet CP-2) commits to providing these collector streets prior to the first certificate of occupancy.

F. Site Conditions and Context

Site Conditions. The 50.29-acre undeveloped site is located at 105 Smallwood Drive, with access provided from Smallwood Drive on the east and Roche Drive on the west. The western property boundary follows Stirrup Iron Creek. This stream, along with a smaller tributary, requires a riparian buffer. Other environmental constraints of the site are floodway, floodway fringe, wetlands, and steep slopes. A 200-foot Duke Power easement runs north-south through the eastern portion of the site. Appendix A, Attachment 3, Aerial photography shows a 2005 view of the area with extensive tree coverage. However the site was timbered in October of 2009. The current tree line is appropriately reflected on the development plan (Attachment 4, sheet CP-1).

Area Characteristics. The site is in the Suburban Tier south of T.W. Alexander Drive and west of Page Road (see Appendix A, Attachment 1). This area was originally intended to attract industrial users signified by Technology Park entrance markers along this one-mile section of T.W. Alexander Drive. The area is also reflected as Industrial on the Future Land Use Map, generally bounded by Chin Page Road on the south, the Durham County line on the east, South Miami Boulevard to the west and T. W. Alexander Road to the north which was once lined on both sides with an Industrial future land use designation. The industrial designation was assigned for the purpose of attracting closely proximate industrial users with larger tracts of land that would accommodate a range of industrial development in terms of scale and use.

Over the last several years the industrial land in this area has been eroded at the periphery as evident by zoning map change case Z05-11 for PDR 4.040 (40 acres) at the intersection of T. W. Alexander and Page Road (approved December 19, 2005) and case Z06-47 for PDR 4.733 (324 acres) and CG(D)(20 acres) (approved December 10, 2007).

The surrounding zoning districts include IL, IP, and Residential Rural (RR).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR 6.640 district meets the ordinance and policy requirements in relation to development on the subject site. Contextually, the character of the area is beginning to change as noted above with the following observations:

Erosion of Industrial Attractiveness and Residential Protection. This area is well suited to industrial development due to its proximity to transportation systems (road and rail) and proximity to existing industrial development (Fed Ex warehouse, General Electric, Cree, IBM). Despite the environmental features that require protection, approximately 42 acres of developable land remains on this parcel.

Residential development has occurred along the northern portion of the area (north side of T. W. Alexander) over the last decade. More recently development approvals have been sought and granted for a large (325 acres) residential project (1,300 units) in the southern portion of this area. If residential development were approved for the subject site, it seems reasonable that the future residents may have concerns about industrial development occurring on neighboring, and presently vacant industrial-zoned property considering the range of uses allowed under the Industrial category and the potential impacts that would be created on the proposed road system connections (T.W. Alexander to Roche Drive and Smallwood Drive to Page Road).

Creation of isolated remnant IL. If approved a small, noncontiguous remnant portion, approximately 3,900 square feet, of the existing IL district would be isolated to the east of the subject parcel.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR 6.640 district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts. The development plan commits to residential townhouse development which, if developed to its maximum potential, is a reduction of trips compared to the maximum potential of the existing zoning.

A number of off-site roadway improvements are required to mitigate the proposed site traffic which may impact multiple properties that are not part of this development plan. The applicant is responsible for acquiring additional right-of-way and/or construction easements as needed to complete these roadway improvements in accordance with NCDOT and/or City of Durham Standards.

H. Staff Analysis

This request would be consistent with the *Comprehensive Plan* and other adopted plans and policies should the plan amendment be approved. If the requested PDR 6.640 zoning designation were approved, the development plan would further establish the development potential of the proposed multifamily residential development.

I. Contacts

| Table I. Contacts | | |
|--|------------------------------|------------------------|
| Staff Contact | | |
| Amy Wolff, Senior Planner | Ph: 919-560-4137, ext. 28235 | Amy.Wolff@DurhamNC.gov |
| Applicant Contact | | |
| Agent: Jeremy S. Anderson, Coulter Jewell Thames, PA | Ph: 919-682-0368 | janderson@cjtpa.com |

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council

- Partner's Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- RDU HZO Permit Area
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Cary

K. Summary of Planning Commission Meeting July 10, 2012 (Case Z1100022)

Request: IL to PDR 6.640

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Vice Chair Monds opened the public hearing. Three individuals spoke in favor and one spoke against. Vice Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on the appropriateness of residential verses industrial.

Motion: Approval of Z1100022. (Ms. Beechwood, Mr. Harris 2nd)

Action: Motion carried, 13-0.

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

| Table K. Supporting Information | | |
|---|-------------------------------|--|
| Applicability of Supporting Information | | |
| Appendix A | Application | Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner's Acknowledgement 7. Submittal and Review History |
| Appendix B | Site History | n/a |
| Appendix C | Review Requirements | n/a |
| Appendix D | Unified Development Ordinance | Table D1: Designation Intent |

| Table K. Supporting Information | | |
|---------------------------------|---|--|
| | | Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan |
| Appendix E | Adopted Plans | Table E: Adopted Plans Attachment: 8. Proposed Wake-Durham Comprehensive Street System Plan Version 10/24/00 |
| Appendix F | Site Conditions and Context | Table F: Site Context |
| Appendix G | Infrastructure | Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts |
| Appendix H | Staff Analysis | n/a |
| Appendix I | Contacts | n/a |
| Appendix J | Notification | n/a |
| Appendix K | Summary of Planning Commission Meeting | Attachments 9. Planning Commissioner's Written Comments 10. Ordinance Form |

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

| Table D1. UDO Designation Intent | |
|----------------------------------|--|
| PDR | Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance. |

| Table D2. District Requirements – PDR | | | |
|---------------------------------------|----------------|-------------------|----------------|
| | Code Provision | Required | Committed |
| Minimum Site Area (acres) | 6.11.3.B.1 | 4 | 50.29 |
| Residential Density (maximum) | 6.11.3.C | Specified on plan | 6.640 (DU/Ac.) |
| Maximum Height (feet) | 6.11.3.C.3 | 90 | 45 |
| Minimum Street Yard (feet) | 6.11.3.E.1 | 8 | 8 |
| Minimum Open Space (%) | 6.11.3.F | 16 (8.04 ac.) | 16 (8.04 ac.) |

| Table D3. Environmental Protection | | | |
|------------------------------------|---------------|--------------------|-------------|
| Resource Feature | UDO Provision | Required | Committed |
| Tree Coverage | 8.3.1C | 20% (10.058 acres) | 20% (10.06) |
| Stream Protection (buffer in feet) | 8.5.4.B | 50 | 50 |

| Table D4. Project Boundary Buffers | | | |
|------------------------------------|------------------|------------------|------------------|
| Cardinal Direction | Adjacent Zone | Required Opacity | Proposed Opacity |
| North | IL | 0.2/0.8 | 0.2 (10 feet) |
| East | IP | 0.2/0.8 | 0.8 (50 feet) |
| | RR | 0.2/0.2 | 0.2 (10 feet) |
| South | IL (undeveloped) | 0.2/0.8 | 0.2 (10 feet) |
| | IL (developed) | 0.2/0.8 | 0.8 (50 feet) |
| West | IL | 0.2/0.8 | 0.2 (10 feet) |

| Table D5. Summary of Development Plan | | |
|---------------------------------------|--|------------------------|
| Components | Description | Development Plan Sheet |
| Required Information | Intensity/Density. 285 multi-family units | CP-2 |
| | Building/Parking Envelope is appropriately identified, labeled development envelope | CP-2 |
| | Project Boundary Buffers are appropriately shown | CP-2 |
| | Stream Crossing. An existing crossing is shown across Stirrup Iron Creek on Roche Drive and a potential road crossing of floodway/floodway fringe associated with a tributary is shown. | CP-2 |
| | Access Points. Three (3) access points have been identified and one cross connection to the east. Two adjacent driveways are also shown for access to the single-family property in the southeast corner of the site. | CP-2 |
| | Dedications and Reservations. None | n/a |
| | Impervious Area. 70% = 35.2 acres | CP-2 |
| | Environmental Features. Streams, floodway, floodway fringe, wetlands, steep slopes | CP-1, CP-2 |
| | Areas for Preservation. Stream buffers, steep slopes, wetlands, floodway, and floodway fringe areas as shown. | CP-2 |
| | Tree Coverage. 20% (10.06 acres) as shown. | CP-2 |
| Graphic Commitments | Location of Roche Drive extension. Location of Smallwood Drive extension. Location of greenway along Roche Drive extension, a portion of Smallwood Drive extension as shown, and south along the Duke Power easement to the southern property line. | CP-2 |
| Text Commitments | <ol style="list-style-type: none"> 1. Prior to the issuance of any certificate of occupancy, Roche Drive will be constructed/improved to an appropriate City of Durham collector Street standard from T.W. Alexander Drive to the southern property line. The cross-section of which will be determined at the site plan stage. 2. Prior to the certificate of occupancy for the 91st unit, Smallwood Drive will be constructed/improved to an appropriate City of Durham or NCDOT collector street standard from Page Road to Roche Drive. The cross-section of which will be determined at the site plan stage. 3. Prior to the Certificate of Occupancy for the 91st unit, construct a northbound left-turn lane with adequate storage and appropriate tapers on Page Road at Smallwood Drive. 4. The greenway trail will be dedicated prior to the first certificate of occupancy. | Cover |

| Table D5. Summary of Development Plan | | |
|---------------------------------------|---|-------|
| | 5. The residential project is limited to townhouse use as defined by the Durham UDO. | |
| SIA Commitments | None provided | n/a |
| Design Commitments | Buildings will be colonial, stick style, neo-colonial, minimal-traditional, craftsmen, and/or a combination of these architectural styles. Roof lines will be sloped with dormers and/or gables to create visual interest. Individual buildings will use a minimum of two of the following materials: brick, stone, wood, artificial stucco, vinyl or cementitious siding materials. Architectural features shall include dormers, porches, brick detailing, gable returns, and/or shutters. The buildings will be 2 and/or 3 stories in height similar to the adjacent residential and non-residential structures. | Cover |

Appendix E: Adopted Plans Supporting Information

| Table E. Adopted Plans | |
|--|---|
| Comprehensive Plan | |
| Policy | Requirement |
| Future Land Use Map | Industrial |
| 2.2.2a | Suburban Tier Development Focus |
| 2.2.2b | Suburban Tier Land Uses |
| 2.3.1b | Contiguous Development |
| 2.4.2b | Connectivity |
| 2.5.2e | Demand for Land Uses |
| 8.1.2g | Adopted Collector Street Plans |
| 8.1.2i | Transportation Plan Implementation |
| 8.1.2j | Transportation Level of Service |
| 8.1.4b | Development Review and the Adopted Trails and Greenway Plan |
| 8.1.4d | Development Review and the Adopted Bicycle Plans |
| 8.1.6d | Development Review and Adopted Transportation Plans |
| 11.1.1a | School Level of Service |
| 11.1.1b | Adequate Schools Facilities |
| Long Range Bicycle Plan | |
| Map 4-8 shows a proposed greenway along Stirrup Iron Creek and a proposed future road with a bicycle facility along the southern boundary of the site. | |
| Durham Trails and Greenways Master Plan | |
| Durham Trails and Greenways Master Plan shows a trail running along Stirrup Iron Creek. | |

Attachment:

8. Proposed Wake-Durham Comprehensive Street System Plan Version 10/24/00.

Appendix F: Site Conditions and Context Supporting Information

| Table F. Site Context | | | |
|-----------------------|--|-------------------|----------|
| | Existing Uses | Zoning Districts | Overlays |
| North | Vacant | IL, IP, PDR 4.040 | None |
| East | Warehouse, vacant, single-family residential | IL, RR | None |
| South | Vacant, manufacturing | IL, OI | None |
| West | Vacant, manufacturing | IL, IP | None |

Appendix G: Infrastructure Supporting Information

| Table G1. Road Impacts | | |
|---|----------------------|-----------|
| T.W. Alexander Drive and Page Road are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area. | | |
| Affected Segments | T.W. Alexander Drive | Page Road |
| Current Roadway Capacity (LOS D) (ADT) | 42,200 | 11,900 |
| Latest Traffic Volume (AADT) | 24,000 | 12,000 |
| Traffic Generated by Present Designation (average 24 hour)* | 7,488 | |
| Traffic Generated by Proposed Designation (average 24 hour)** | 1,600 | |
| Impact of Proposed Designation | -5,888 | |

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

TW Alexander Drive: 4-lane divided Class I Arterial with left and right-turn lanes

Page Road: 2-lane undivided major City/County roadway without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

***Assumption-** (Max Use of Existing Zoning) – 100,000 sf shopping center and 100,000 sf light industrial

** **Assumption-** (Max Use of Proposed Zoning) – 285 townhouse units

| Table G2. Transit Impacts |
|--|
| Transit service is currently provided within one-quarter mile of the site along TW Alexander Drive via DATA Route #15. |

Table G3. Utility Impacts

This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts

The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts

The proposed zoning is estimated to generate 31 students. This represents an increase of 31 students over the existing zoning because residential is not a permitted use under the existing zoning designation. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.

| Students | Elementary School | Middle School | High School |
|--|-------------------|---------------|-------------|
| Current Building Capacity | 15,864 | 8,647 | 9,916 |
| Maximum Building Capacity (110% of Building Capacity) | 17,450 | 9,512 | 10,908 |
| 20th Day Attendance (2011-12 School Year) | 15,827 | 7,008 | 9,686 |
| Committed to Date (July 2009 – June 2012) | 384 | 124 | 81 |
| Available Capacity | 1,239 | 2,380 | 1,141 |
| Potential Students Generated – Current Zoning* | 0 | 0 | 0 |
| Potential Students Generated – Proposed Zoning** | 15 | 7 | 9 |
| Impact of Proposed Zoning | +15 | +7 | +9 |

*Assumption (Max Use of Existing Zone) – IL: no residential permitted

**Assumption (Max Use of Proposed Zoning) – PDR 6.640: 285 townhouse units

| Table G6. Water Supply Impacts | |
|--|------------|
| This site is estimated to generate a total of 31,350 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 16,564 GPD over the existing zoning district. | |
| Current Water Supply Capacity | 37.00 MGD |
| Present Usage | 28.06 MGD |
| Approved Zoning Map Changes (July 2009 – June 2012) | 0.70 MGD |
| Available Capacity | 8.24 MGD |
| Estimated Water Demand Under Present Zoning* | 14,786 GPD |
| Potential Water Demand Under Proposed Zoning** | 31,350 GPD |
| Potential Impact of Zoning Map Change | +16,564 |

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) –109,531 sf light industrial

** Assumption- (Max Use of Proposed Zoning) – 285 townhouse units

Appendix K: Summary of Planning Commission Meeting

Attachments

9. Planning Commissioner's Written Comments
10. Ordinance Form